

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Ryan Hardy and Matthew O'Connor,
Plaintiffs

v.

Granite State Insurance Company,
Defendant

CIVIL ACTION NO. 1:20-cv-00216

**GRANITE STATE INSURANCE COMPANY'S MOTION TO DISMISS PLAINTIFFS
RYAN HARDY AND MATTHEW O'CONNOR'S FIRST AMENDED COMPLAINT**

Defendant Granite State Insurance Company hereby moves for dismissal of the First Amended Complaint filed by Plaintiffs Ryan Hardy and Matthew O'Connor (collectively, "Plaintiffs") pursuant to Federal Rule of Civil Procedure 12(b). Specifically, Plaintiffs' First Amended Complaint must be dismissed because: (1) the Plaintiffs lack standing to bring an insurance coverage action against Granite State under the federal and New Hampshire declaratory judgment statutes; and (2) their claim for relief is not ripe for adjudication under either the federal or state declaratory judgment statutes. For the foregoing reasons and for the reasons set forth in detail in the accompanying Memorandum of Law, the Court must dismiss Plaintiffs' First Amended Complaint against Granite State Insurance Company with prejudice.

The Defendant,
GRANITE STATE INSURANCE COMPANY
By its attorney,

/s/ Tamara Smith Holtslag
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Dated: March 19, 2020

CERTIFICATE OF SERVICE

I, Tamara Smith Holtslag, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be mailed by First Class Mail to those indicated as non-registered participants on this 19th day of March, 2020.

/s/ Tamara Smith Holtslag
Tamara Smith Holtslag